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EXAMINER	
ULRICH, NICHOLAS S	

ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/829,519

Applicant(s)

SIMSKE ET AL.

Examiner

Nicholas S. Ulrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-19, 21, 24-31 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-19, 21, 24-31 and 33-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. Claims 9-19, 21, 24-31, and 33-35 are pending.
2. Claims 1-8 are cancelled.
3. Claims 9-19, 21, 24-31, and 33-35 are rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-19, 21, 24, 25, 27, 28, 29, 31, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Memhard et al (US 6201859 B1) in view of Chandler et al. (US 6477491 B1).

In regard to **claim 9**, Memhard discloses a method for presenting content to an audience during a presentation, comprising:

receiving first and second voice inputs from first and second audience members  
(Column 4 lines 11-17 and Column lines 36-40 : receives input stream from each of the

*end points. The input stream comprises a SUBSET of these inputs including audio input. Audio or voice data)*

*determining the identity of the first and second audience members (Column 8 lines 65-67: determines which conference participants are currently speaking);*

*determining the relative privilege of the first and second audience members (Column 9 lines 1-9: The current speaker is defined as the speaker with the largest volume input. Therefore a user with the largest volume input is at a higher priority and defined as the current speaker);*

*and presenting content to the audience from one of the first and second audience members depending on the determined relative privilege of the first and second audience members (Column 8 lines 60-62: signals from the participant who is currently speaking are provided to all participants).*

Chandler teaches recording individual speakers statements similar to that of Memhard. In addition, Chandler teaches receiving a preamble from a microphone to identify the speaker (Fig 1, Column 4 line 1-2, and Column 5 lines 30-33: Chandler discusses the use of multiple broadcast frequencies to distinguish speakers. When looking at figure 1, in order for the multi-channel receiver to distinguish between the different transmitters and to correlate the correct identity and timestamp tag to the received input, some signal or data segment must be sent that corresponds to a particular microphone. This can be interpreted as the leading edge of the transmitted signal (once a speaker begins talking) is sent to the receiver which identifies a particular

*microphone, and causes the channel identifier to output the correct identifier and timestamp tag).*

It would have been obvious to one of ordinary skill in the art, having the teachings of Chandler and Memhard before him at the time the invention was made, to modify the determining the identity of the member taught by Memhard to include a preamble from the microphone of Chandler invention, in order to identify the audience member using a preamble from a microphone. It would have been advantageous for one to utilize such a combination because a wide variety of conventional processes can be used to determine the current speaker, as taught by Memhard (*Column 9 lines 6-9*).

In regard to **claim 10**, Memhard discloses the relative privilege of the first and second audience member is influenced by a record of which one of the first and second audience member that last presented content (*Column 19 lines 11-17: each end point maintains a record of current token holder. In turn taking mode a user must have a token to submit data. The last person to submit data has the token thus a user who does not have a token and wants to submit data will have no privilege and not be able to submit data because another user who last presented still has the token*)

In regard to **claim 11**, Memhard discloses wherein a higher relative privilege is assigned to the one of the first and second audience member that last presented content (*Column 19 lines 29-35: An end point has the token thus allowed to make*

*changes. Since the end point maintains the token until a timeout or he gives it up, that end point (which was the last to present) maintains the privilege).*

In regard to **claim 12**, Memhard discloses wherein a lower relative privilege is assigned to the one of the first and second audience member that last presented content (*Column 19 lines 29-35: An end point has the token thus allowed to make changes. Since the end point maintains the token until a timeout or he gives it up, that end point (which was the last to present) maintains the privilege).*

In regard to **claim 13**, Memhard discloses the relative privilege is influenced according to which one of the first and second audience members that has not previously presented content during the session (*Column 19 lines 11-55: If a user does not have the token then they are not allowed to supply data and given no privilege to update or supply data).*

In regard to **claim 14**, Memhard discloses the method wherein the relative privilege is manually reassigned by a session manager (*Column 9 lines 13-17).*

In regard to **claim 15**, Memhard discloses the relative privilege of the first audience member is gradually reduced as the first audience member begins providing voice inputs (*Column 19 lines 29-42: Once a end point grabs the token and begins*

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*inputting data a timer begins. If the user exceeds a predetermined timeout time the token is taken from the end point and made available to other end points).*

In regard to **claim 16**, Memhard discloses a system for presenting content, comprising:

a display device for displaying content to an audience (*Fig 3 element 332*);

a content manager for controlling the displayed content, the content manager operating under the control of an audience member (*Column 3 lines 55-58: The MCU is a content manager; and Column 9 lines 9-23: The chairperson (which is one of the participants) controls the output of the MCU*);

and a speaker recognition device for determining the identity of an audience member controlling the content manager (*Column 9 lines 32-34*).

Chandler teaches recording individual speakers statements similar to that of Memhard. In addition, Chandler teaches receiving a preamble from a microphone to identify the speaker (*Fig 1, Column 4 line 1-2, and Column 5 lines 30-33: Chandler discusses the use of multiple broadcast frequencies to distinguish speakers. When looking at figure 1, in order for the multi-channel receiver to distinguish between the different transmitters and to correlate the correct identity and timestamp tag to the received input, some signal or data segment must be sent that corresponds to a particular microphone. This can be interpreted as the leading edge of the transmitted signal (once a speaker begins talking) is sent to the receiver which identifies a particular*

*microphone, and causes the channel identifier to output the correct identifier and timestamp tag).*

It would have been obvious to one of ordinary skill in the art, having the teachings of Chandler and Memhard before him at the time the invention was made, to modify the determining the identity of the member taught by Memhard to include a preamble from the microphone of Chandler invention, in order to identify the audience member using a preamble from a microphone. It would have been advantageous for one to utilize such a combination because a wide variety of conventional processes can be used to determine the current speaker, as taught by Memhard (*Column 9 lines 6-9*).

In regard to **claim 17**, Memhard fails to disclose a voice to text converter coupled to the speaker recognition device that converts voice inputs from the audience member into text and for conveying the text to the content manager.

However, Chandler discloses a voice to text converter coupled to the speaker recognition device that converts voice inputs from the audience member into text and for conveying the text to the content manager (*Column 2 lines 46-54*). Memhard and Chandler are analogous art because they are both from the same field of endeavor of controlling input of individual participants of a conference. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Chandler to Memhard invention because one of ordinary skill in the art would be motivated to transcribe the spoken words into a transcript or text for later review of the discussed content during a conference or meeting.



In regard to **claim 18**, Memhard discloses the system wherein the content manager receives the text and formats the text for display by the display device (*Column 3 lines 55-58 and Column 10 lines 18-20: End point users can input text and then the MCU is responsible for delivering the text*).

In regard to **claim 19**, Memhard discloses content manager formats the text for display in a predetermined region of a slide presented by way of the display device (*Column 13 lines 1-2*).

In regard to **claim 21**, Memhard discloses the system wherein the speaker recognition device monitors a plurality of input channels through which the voice inputs from the audience member is conveyed (*Fig 2 and Column 15 lines 65-67: Fig 2 shows a plurality of end points connected to the MCU unit. Each endpoint has its own microphone so therefore the MCU is monitoring a plurality of input channels for voice input*).

In regard to **claims 24 and 33**, Memhard fails to disclose receiving a nonaudible tone from a microphone.

However, Chandler discloses receiving a nonaudible tone from a microphone (*Column 4 lines 1-2: The station is identified by the broadcast frequency. Transmission of the frequency of the microphone determines the member broadcasting data*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Chandler to Memhard's invention because one of ordinary skill in the art would be motivated to distinguish between multiple inputs from multiple users or audience members.

In regard to **claim 25**, Memhard discloses the system wherein the content manager is redirected under the control of the audience member (*Column 9 lines 17-18: Chairperson indicates to the MCU which participant is to be shown*).

In regard to **claim 27**, Memhard discloses the system wherein the content manager, in response to receiving voice inputs from a plurality of audience members, formats for display on the display device only the text corresponding to the audience member having the highest relative privilege (*Column 8 lines 4-9, Column 9 lines 1-3 and Column 10 lines 18-20: The loudest speaker has the higher priority and given control as speaker. The speaker then controls content sent to other participants which can include text inputs*).

In regard to **claim 28**, Memhard discloses the system additionally comprising a timing device coupled to the content manager, wherein, in response to a first timing signal, the content manager displays text only from audience members having a first relative level of privilege (*Column 8 lines 22-39*).

In regard to **claim 29**, Memhard discloses in response to a second timing signal, the content manager displays text only from audience members having a second relative level of privilege (*Column 8 lines 22-39*).

In regard to **claim 31**, Memhard discloses a system for presenting content to an audience, comprising:

means for presenting content to an audience (*Fig 3 element 332: Display device*);

means for receiving voice commands from a plurality of audience members (*Column 15 lines 65-67: MCU receives audio inputs from a microphone*); means for determining the relative privilege levels of the plurality of audience members (*Column 9 lines 1-9: Privilege (or current speaker) is determined based on voice input*);

and means for selecting the presented content in response to the voice commands and the privilege levels that correspond to each of the plurality of the audience members (*Column 9 lines 19-23: Speaker with highest volume is given privilege to provide presented content and all the other end points (which have no privilege) are dropped*).

Chandler teaches recording individual speakers statements similar to that of Memhard. In addition, Chandler teaches receiving a preamble from a microphone to identify the speaker (*Fig 1, Column 4 line 1-2, and Column 5 lines 30-33: Chandler discusses the use of multiple broadcast frequencies to distinguish speakers. When looking at figure 1, in order for the multi-channel receiver to distinguish between the*

*different transmitters and to correlate the correct identity and timestamp tag to the received input, some signal or data segment must be sent that corresponds to a particular microphone. This can be interpreted as the leading edge of the transmitted signal (once a speaker begins talking) is sent to the receiver which identifies a particular microphone, and causes the channel identifier to output the correct identifier and timestamp tag).*

It would have been obvious to one of ordinary skill in the art, having the teachings of Chandler and Memhard before him at the time the invention was made, to modify the determining the identity of the member taught by Memhard to include a preamble from the microphone of Chandler invention, in order to identify the audience member using a preamble from a microphone. It would have been advantageous for one to utilize such a combination because a wide variety of conventional processes can be used to determine the current speaker, as taught by Memhard (*Column 9 lines 6-9*).

In regard to **claim 35**, Memhard fails to disclose the system additionally comprising means for storing a record of the presented content, wherein the presented content includes voice inputs from the audience and imported content.

However, Chandler discloses means for storing a record of the presented content, wherein the presented content includes voice inputs from the audience and imported content (*Column 3 lines 20-27*). Memhard and Chandler are analogous art because they are both from the same field of endeavor of controlling input of individual participants of a conference. Therefore, it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to incorporate the teachings of Chandler to Memhard's invention because one of ordinary skill in the art would be motivated to save input data from participants for later retrieval or processing.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Memhard et al. (US 6201859 B1) in view of Chandler et al. (US 6477491 B1) and Barnes, Jr. (US 7133837 B1).

In regard to **claim 26**, Memhard and Chandler fail to disclose the system wherein the content manager further comprises a connection to the Internet for importing content from the Internet for display by the display device.

However, Barnes discloses the content manager further comprises a connection to the Internet for importing content from the Internet for display by the display device (*Column 20 lines 33-38*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Barnes to Memhard and Chandler inventions because one of ordinary skill in the art would be motivated to provide access to the internet for a more bi-directional communication.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Memhard et al. (US 6201859 B1) in view of Chandler et al. (US 6477491 B1) and Huh (US 6938210 B1).

In regard to **claim 30**, Memhard and Chandler fail to disclose a frame capture device coupled to the display device for occasionally capturing and storing an image of the content displayed by the display device.

However, Huh discloses a frame capture device coupled to the display device for occasionally capturing and storing an image of the content displayed by the display device (*Column 5 line 8*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Huh to Memhard and Chandler inventions because one of ordinary skill in the art would be motivated to save and capture the screen for later review and retrieval.

7. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Memhard et al. (US 6201859 B1) in view of Chandler et al. (US 6477491 B1) and Cragun (US 6774920).

In regard to **claim 34**, Memhard and Chandler fail to disclose determining the time remaining in the presentation, the means for determining the time remaining in the presentation being used to limit the content selected for presenting to the audience by the means for selecting the projected content.

However, Cragun discloses determining the time remaining in the presentation, the means for determining the time remaining in the presentation being used to limit the content selected for presenting to the audience by the means for selecting the projected

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content (*Column 2 lines 47-65*). Memhard, Chandler, and Cragun are analogous art because they are both from the same field of endeavor of data processing and presentations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cragun to Memhard and Chandler inventions because one of ordinary skill in the art would be motivated to monitor a presentation time and adjust to fit the presentation within a predetermined time.

### ***Response to Arguments***

8. Applicant's arguments filed 11/08/2007 have been fully considered but they are not persuasive. Applicant argues that there is no reason to expect that one of ordinary skill in the art would combine Memhard and Chandler in the manner specified by the examiner. The examiner disagrees.

As indicated by the examiner, Memhard teaches us that "a wide variety of conventional processes can be used to determine the current speaker". This indicates that at the time of invention, there are numerous ways in which the identity of the current speaker can be determined. This does in fact provide for the motivation for a *simple substitution of one known element for another to obtain predictable results*.

The Memhard reference teaches determining the identity of a speaker, but fails to disclose determining the identity based a preamble from a microphone.

The Chandler reference shows that determining a speakers' identity using a preamble from a microphone **was known in the art**.

Because Memhard discloses that there are numerous ways to determine the identity of the speaker, results of a substitution would have been predictable (The speaker identity is determined no matter which technique (known in the art) is used).

Therefore it would have been obvious to one skilled in the art at the time of invention, that the teachings of Memhard could be substituted with the teachings of Chandler, in order to obtain identifying a speaker based on a preamble from a microphone.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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1/29/2008  
2173

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